

Senate Study Bill 1254

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CO=CHAIRPERSON CONNOLLY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the operations of the citizens' aide, the
2 state board of education, the department of education, school
3 districts, accredited nonpublic schools, and other state and
4 local agencies with regard to attendance and truancy, academic
5 standards, and related matters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2575SC 81
8 kh/gg/14

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1 1 Section 1. SHORT TITLE. This Act shall be known and may
1 2 be cited as the "Truth and Accountability in Education Act of
1 3 2005".
1 4 Sec. 2. Section 2C.1, Code 2005, is amended by adding the
1 5 following new subsection:
1 6 NEW SUBSECTION. 2A. "Educational institutions" means
1 7 school districts, accredited nonpublic schools, area education
1 8 agencies, and the department of education.
1 9 Sec. 3. Section 2C.6, Code 2005, is amended to read as
1 10 follows:
1 11 2C.6 DEPUTY == ~~ASSISTANT FOR PENAL AGENCIES~~ ASSISTANTS.
1 12 1. The citizens' aide shall designate one of the members
1 13 of the staff as the deputy citizens' aide, with authority to
1 14 act as citizens' aide when the citizens' aide is absent from
1 15 the state or becomes disabled. The citizens' aide may
1 16 delegate to members of the staff any of the citizens' aide's
1 17 authority or duties except the duty of formally making
1 18 recommendations to agencies or reports to the governor or the
1 19 general assembly.
1 20 2. The citizens' aide shall appoint ~~on~~ the following:
1 21 a. An assistant who shall be primarily responsible for
1 22 investigating complaints relating to penal or correctional
1 23 agencies.
1 24 b. An assistant who shall be primarily responsible for
1 25 investigating complaints relating to educational institutions.
1 26 Sec. 4. NEW SECTION. 2C.7A DISCRIMINATION == RETALIATION
1 27 PROHIBITED.
1 28 A person employed by an educational institution shall not
1 29 discriminate or retaliate in any way against an individual who
1 30 has initiated or participated in any proceeding involving the
1 31 educational institution authorized by this chapter. Any
1 32 attempt to discharge, suspend, or reduce in job classification
1 33 or pay grade an individual who submitted a complaint, or upon
1 34 whose behalf a complaint has been submitted, to the citizens'
1 35 aide pursuant to this chapter within ninety days after the
2 1 filing of the complaint or the conclusion of any proceeding
2 2 resulting from the complaint, shall raise a rebuttable
2 3 presumption that the action was taken by the institution for
2 4 the filing of the complaint.
2 5 Sec. 5. Section 256.7, subsection 21, Code 2005, is
2 6 amended by adding the following new paragraphs:
2 7 NEW PARAGRAPH. d. A requirement that all school districts
2 8 and accredited nonpublic schools that administer the Iowa test
2 9 of basic skills or the Iowa test of educational development
2 10 annually report to the department and the local community the
2 11 results of the test, including the number of students taking
2 12 the test who are defined by the school district or school as
2 13 advanced, competent, and developmental or nonproficient; the

2 14 number of students exempted from taking the tests and the
2 15 reasons, in general, the students received exemptions; and the
2 16 number of students that failed to take the test due to illness
2 17 or other absence, including those who failed to take the test
2 18 because they have dropped out of school.

2 19 NEW PARAGRAPH. e. Beginning October 1, 2007, a
2 20 requirement that school districts and accredited nonpublic
2 21 schools submit to the department key data area information in
2 22 a uniform manner as determined by the department, annually as
2 23 a component of the comprehensive school improvement plan
2 24 required pursuant to this subsection. The department's
2 25 purpose of collecting the data from these key areas is to
2 26 provide the greatest possible insight into the needs and
2 27 condition of the state's students.

2 28 Sec. 6. Section 256.7, Code 2005, is amended by adding the
2 29 following new subsections:

2 30 NEW SUBSECTION. 26. By June 30, 2006, adopt rules
2 31 specifying clear, accurate, meaningful, and unambiguous
2 32 definitions for key data areas, including but not limited to
2 33 truancy, dropout and graduation rates, out-of-district
2 34 transfers, expulsion, suspension, days present, days absent
2 35 excused, days absent unexcused, partial days absent unexcused,
3 1 and partial days absent excused. A public hearing shall be
3 2 held in each congressional district prior to the adoption of
3 3 rules by the state board pursuant to this subsection.

3 4 NEW SUBSECTION. 27. Adopt rules establishing meaningful,
3 5 student-centered, minimum statewide academic standards and
3 6 expectations for students to advance from kindergarten through
3 7 grade twelve and to graduate from high school with a diploma,
3 8 including, but not limited to, adequate grade point averages,
3 9 subject competencies, attendance requirements, demonstrated
3 10 proficiencies on standardized and criterion-referenced tests
3 11 for grade advancement, and completion of minimum core
3 12 requirements and demonstrated proficiency for graduation. The
3 13 standards adopted shall prohibit the practice of social
3 14 promotion.

3 15 Sec. 7. Section 256.9, Code 2005, is amended by adding the
3 16 following new subsections:

3 17 NEW SUBSECTION. 53. Develop and implement a specific
3 18 process for monitoring compliance with all state and federal
3 19 education laws at the state and school district or school
3 20 levels. The process shall provide for the identification of
3 21 conflicting laws and for resolution of conflicts occurring in
3 22 the laws. If the department fails to implement the process as
3 23 required under this subsection, any aggrieved person may seek
3 24 a writ of mandamus from the district court to compel the
3 25 department to take the action required pursuant to this
3 26 subsection.

3 27 NEW SUBSECTION. 54. Establish by June 30, 2006, to the
3 28 maximum degree possible, procedures for cooperation with area
3 29 education agencies, community colleges, the department of
3 30 human services and its districts, and judicial districts, to
3 31 promote continuity in the delivery of services to students and
3 32 their families.

3 33 Sec. 8. Section 256.11, subsection 10, unnumbered
3 34 paragraph 3, Code 2005, is amended to read as follows:

3 35 The department shall conduct site visits to schools and
4 1 school districts to address accreditation issues identified in
4 2 the desk audit. Such a visit may be conducted by an
4 3 individual departmental consultant or may be a comprehensive
4 4 site visit by a team of departmental consultants and other
4 5 educational professionals. The purpose of a comprehensive
4 6 site visit is to determine that a district is in compliance
4 7 with minimum standards, all applicable federal and state
4 8 education laws, and to provide a general assessment of
4 9 educational practices in a school or school district and make
4 10 recommendations with regard to the visit findings for the
4 11 purposes of improving educational practices above the level of
4 12 minimum compliance. The department shall establish a long=
4 13 term schedule of site visits that includes visits of all
4 14 accredited schools and school districts as needed.

4 15 Sec. 9. Section 257.6, subsection 1, unnumbered paragraph
4 16 3, Code 2005, is amended to read as follows:

4 17 A school district shall certify its actual enrollment,
4 18 providing an affidavit of enrollment as proof of actual
4 19 attendance on the third Friday of September, to the department
4 20 of education by October 1 of each year, and the department
4 21 shall promptly forward the information to the department of
4 22 management.

4 23 Sec. 10. Section 299.1, Code 2005, is amended to read as
4 24 follows:

299.1 ATTENDANCE REQUIREMENTS.

1. Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, shall cause the child to attend some public school, an accredited nonpublic school, or competent private instruction in accordance with the provisions of chapter 299A, during a school year, as defined under section 279.10. The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of days of required attendance for the schools under its control.

2. The board of directors of a public or the governing body of an accredited nonpublic school ~~may shall~~, by resolution, require attendance for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school. The policy shall provide for the following:

a. Not more than two unexcused absences or five excused absences per semester per student, with the exception of a student who suffers from an illness or injury when the illness or injury is documented by a physician licensed in accordance with chapter 148 or 150A, a physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal or state law as authorized to perform physical examinations; or the death of a member of the student's immediate family as defined in section 722.11, subsection 1; or in case of an emergency or other dire necessity, which shall be documented by the school district or school building administrative staff and approved by the central administrative staff. The number of excused absences permitted under this paragraph shall be reduced by the number of unexcused absences recorded on behalf of a student.

b. A written warning after a student's first unexcused absence, which shall be sent by the school district or school to the student's parent, guardian, or legal or actual custodian, and shall explain the consequences and penalties specified under this chapter for failure to attend and failure to cause the child's attendance.

c. Referral of the matter to the county attorney for mediation or prosecution in accordance with sections 299.5A, 299.6, 299.6A, and 299.13, if the student accumulates three or more unexcused absences. The school district or school shall send notice of the referral by certified mail to the parent, guardian, or legal or actual custodian of the child. If the school district or school fails to refer the matter to the county attorney, or the county attorney fails to act on the referral, the state board of education or the department of education, a school district, the authorities in charge of an accredited nonpublic school, or the parent, guardian, or legal or actual custodian of the child deemed truant by the school district or school may seek a writ of mandamus from the district court to compel the school district or school or the county attorney to take the actions required pursuant to this chapter.

Sec. 11. Section 299.1B, Code 2005, is amended to read as follows:

299.1B FAILURE TO ATTEND == LOSS OF DRIVER'S LICENSE.

~~A The state department of transportation shall not issue a driver's license to a person who is under age eighteen and does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or an adult education classes, or who is not employed at least twenty hours per week shall not receive a motor vehicle operator's license until age eighteen class. A person under age eighteen who has been issued a motor vehicle operator's license who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or an adult education classes class, shall surrender the license and be issued a temporary restricted license under section 321.215 321.178.~~

Sec. 12. EDUCATION LAW ENFORCEMENT ADVISORY COMMITTEE.

1. An education law enforcement advisory committee is established within the department of education to advise and make recommendations to the general assembly and the governor regarding sanctions for failure of a school district or accredited nonpublic school to comply with federal and state education laws.

2. The committee shall consist of nine members. The

7 1 governor shall appoint three members. One member shall be the
7 2 attorney general or the attorney general's designee. One
7 3 member shall be the director of the department of education or
7 4 the director's designee. The majority leader of the senate,
7 5 the minority leader of the senate, the speaker of the house of
7 6 representatives, and the minority leader of the house of
7 7 representatives shall each appoint one member from the general
7 8 assembly. Each member shall serve a one-year term. The
7 9 director of the department of education, or the director's
7 10 designee, shall serve as the chair of the committee. The
7 11 members of the committee are entitled to receive reimbursement
7 12 for actual expenses incurred while engaged in the performance
7 13 of the duties of the committee. The members may also be
7 14 eligible to receive compensation as provided in section 7E.6.

7 15 3. The committee shall submit its findings and
7 16 recommendations in a report to the senate and house standing
7 17 committees on education and the joint appropriations
7 18 subcommittee on education by December 15, 2006.

7 19 Sec. 13. STATE MANDATE FUNDING SPECIFIED. In accordance
7 20 with section 25B.2, subsection 3, the state cost of requiring
7 21 compliance with any state mandate included in this Act shall
7 22 be paid by a school district from state school foundation aid
7 23 received by the school district under section 257.16. This
7 24 specification of the payment of the state cost shall be deemed
7 25 to meet all the state funding-related requirements of section
7 26 25B.2, subsection 3, and no additional state funding shall be
7 27 necessary for the full implementation of this Act by and
7 28 enforcement of this Act against all affected school districts.

7 29 EXPLANATION

7 30 This bill, titled the "Truth and Accountability in
7 31 Education Act of 2005", requires the citizens' aide to appoint
7 32 an education assistant to investigate matters relating to K=12
7 33 educational institutions, requires the state board of
7 34 education and the department of education to define key data
7 35 areas, requires the establishment of statewide academic
8 1 standards, requires school districts and accredited nonpublic
8 2 schools to require attendance for the entire time when the
8 3 schools are in session in any school year, requires the
8 4 department to monitor compliance with federal and state
8 5 education laws, establishes an education law enforcement
8 6 advisory committee within the department to advise and make
8 7 recommendations to the general assembly and the governor
8 8 regarding sanctions for failure by a school district or
8 9 accredited nonpublic school to comply with federal and state
8 10 education laws, requires school districts and schools that
8 11 administer the Iowa test of basic skills and the Iowa test of
8 12 educational development to report their scores to the
8 13 department and their local communities, and requires the
8 14 department to cooperate with other state and local agencies to
8 15 promote continuity of service to students and their families.

8 16 CITIZENS' AIDE. The bill defines educational institution
8 17 to mean school districts, accredited nonpublic schools, area
8 18 education agencies, and the department of education. The bill
8 19 prohibits discrimination or retaliation against an individual
8 20 who initiated or participated in any proceeding involving an
8 21 educational institution conducted by the citizens' aide's
8 22 office.

8 23 STATE BOARD OF EDUCATION. The bill requires the state
8 24 board to adopt rules specifying clear, accurate, and
8 25 unambiguous definitions for key data areas, including but not
8 26 limited to truancy, dropout and graduation rates, out-of=
8 27 district transfers, expulsion, suspension, days present,
8 28 excused absence, partial excused and unexcused absence, and
8 29 unexcused absence, and to hold public hearings in each
8 30 congressional district prior to the adoption of the rules; to
8 31 adopt rules establishing statewide academic standards and
8 32 expectations for students to advance from kindergarten through
8 33 grade 12 and to graduate from high school with a diploma, and
8 34 to establish a requirement that all school districts and
8 35 accredited nonpublic schools that administer the Iowa test of
9 1 basic skills or the Iowa test of educational development
9 2 annually report the test results to the department and the
9 3 local community.

9 4 DEPARTMENT OF EDUCATION. The bill requires the director of
9 5 the department to develop and implement a specific process for
9 6 monitoring compliance with all state and federal education
9 7 laws at the state and school district or school levels. If
9 8 the department fails to implement the process, the bill allows
9 9 any aggrieved person to seek a writ of mandamus from the
9 10 district court to compel the state board to take the action.
9 11 The bill expands the purpose of the comprehensive school

9 12 accreditation site visit to include determination of whether a
9 13 district is in compliance with all applicable federal and
9 14 state education laws. The bill also requires the director to
9 15 establish by June 30, 2006, to the maximum degree possible,
9 16 cooperation with area education agencies, community colleges,
9 17 the department of human services and its districts, and
9 18 judicial districts to promote continuity in the delivery of
9 19 services to students and their families.

9 20 SCHOOL DISTRICTS AND SCHOOLS. The bill requires school
9 21 districts and accredited nonpublic schools, beginning October
9 22 1, 2007, to submit key data area information to the department
9 23 annually as a component of their comprehensive school
9 24 improvement plans.

9 25 TRUANCY REQUIREMENTS. The bill directs school districts
9 26 and accredited nonpublic schools to require attendance for the
9 27 entire time schools are in session in any school year and to
9 28 adopt a policy or rules relating to the reasons considered to
9 29 be valid or acceptable excuses for absence from school. Under
9 30 the bill, the policy must provide for not more than two
9 31 unexcused absences or five excused absences per semester per
9 32 student. The number of excused absences must be reduced by
9 33 the number of unexcused absences a student has on record.
9 34 After the first unexcused absence, the school must send
9 35 written warning to the truant student's parent or guardian.

10 1 The school district or school must refer the matter to the
10 2 county attorney if the student accumulates three or more
10 3 unexcused absences. If the school district or school fails to
10 4 refer the matter, or the county attorney fails to act, the
10 5 state board or the department, the school district or school,
10 6 or the parent or guardian may seek a writ of mandamus.

10 7 FAILURE TO ATTEND == LOSS OF DRIVER'S LICENSE. The bill
10 8 strikes a provision that currently allows a person who is
10 9 under age 18 and who works at least 20 hours per week, but who
10 10 does not attend a public school, an accredited nonpublic
10 11 school, competent private instruction, or an alternative
10 12 school, to attain and keep a motor vehicle license.

10 13 EDUCATION ADVISORY COMMITTEE. The bill establishes an
10 14 education law enforcement advisory committee within the
10 15 department to advise and make recommendations to the general
10 16 assembly and the governor regarding sanctions for failure by a
10 17 school district or accredited nonpublic school to comply with
10 18 federal and state education laws. Committee findings and
10 19 recommendations are due to the senate and house standing
10 20 committees on education and the joint appropriations
10 21 subcommittee on education by December 15, 2006.

10 22 STATE MANDATE. The bill may include a state mandate as
10 23 defined in Code section 25B.3. The bill requires that the
10 24 state cost of any state mandate included in the bill be paid
10 25 by a school district from state school foundation aid received
10 26 by the school district under Code section 257.16. The
10 27 specification is deemed to constitute state compliance with
10 28 any state mandate funding-related requirements of Code section
10 29 25B.2. The inclusion of this specification is intended to
10 30 reinstate the requirement of political subdivisions to comply
10 31 with any state mandates included in the bill.

10 32 LSB 2575SC 81
10 33 kh:nh/gg/14